



County of Los Angeles CHIEF EXECUTIVE OFFICE

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January 13, 2012

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to be "W. T. Fujioka", is written over the printed name and title.

SACRAMENTO UPDATE

The memorandum contains a report on the Legislative Analyst's Office overview of the Governor's FY 2012-13 Proposed Budget; a status on budget committee hearings; a pursuit of position on County-sponsored legislation to allow child welfare agencies to access an automated database of criminal information to expedite clearances for child safety assessments; and a report on legislation of County interest related to California Environmental Quality Act.

Legislative Analyst's Office – Overview of the Governor's Proposed Budget

On January 11, 2012, the Legislative Analyst's Office (LAO) released its *Overview of the Governor's Proposed Budget*. The LAO commends Governor Brown and the Legislature for action taken in 2011 to restore balance to the State Budget and recognizes that the Legislature still faces a difficult task to complete this process. However, the LAO raises the following key issues regarding the Governor's FY 2012-13 Proposed Budget:

- **Projected Revenue.** The LAO's revenue projection for FY 2012-13 is \$3.1 billion less than the amount projected in the Governor's Proposed Budget. The LAO indicates that if its revenue projection holds true, the Legislature would have to enact billions of dollars in additional budget solutions above the \$4.2 billion in reductions proposed by the Governor.

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- **Social Services Reductions.** The LAO notes that the Governor's Budget proposal to restructure the CalWORKs and subsidized child care programs to achieve \$1.4 billion in savings would significantly impact many of California's low-income families. The LAO suggests that the Legislature may want to consider whether the Governor's proposal severely restricts the eligibility for CalWORKs and subsidized child care, and may instead want to consider whether to focus on other initiatives to help low-income families obtain employment. The LAO notes that if the Legislature's priorities differ from those of the Governor's, the amount of savings could be less, and could require trade-off reductions in other areas of the budget.
- **Budget Trigger Cuts.** The LAO acknowledges that although the Governor's proposal to seek voter approval of his November 2012 Ballot Initiative to generate approximately \$6.9 billion in State revenue through temporary tax increases would improve the financial outlook of education, his proposal to enact \$5.4 billion in triggered budget reductions if the measure fails, and would create significant fiscal uncertainty for schools, community colleges, and universities in FY 2012-13. The LAO indicates that schools are likely to develop their budgets assuming that most if not all of the triggered cuts will be enacted.

The Legislative Analyst's Office recommends that the Legislature be careful in setting the size of the trigger cut package, determining specific reductions, and designing tools to help schools, community colleges and universities respond to the triggers. The Legislature will also need to assess whether specific trigger plans are workable and consider how the State treats Realignment and State sales tax revenue in calculating the Proposition 98 funding guarantee for education.

Governor Brown commented that the LAO's report underscores the fundamental uncertainty of the State's fiscal situation, and the financial imperative to be prudent, make the tough cuts now, and give the voters a choice on additional revenues.

The entire LAO report may be accessed at: <http://www.lao.ca.gov>

Senate and Assembly Budget Committee Hearings

The Senate Budget and Fiscal Review Committee will hold an overview hearing on the Governor's Proposed Budget on January 19, 2012 and the Assembly Budget Committee will conduct its overview hearing on January 31, 2012.

Pursuit of Position on County-Sponsored Legislation

County Child Welfare Agencies Access to Department of Justice Database

We will pursue County-sponsored legislation to allow county child welfare agencies and social workers statewide the option of using an alternate, automated, State-maintained database of criminal information that would be created to expedite clearances for critical child safety assessments and emergency child placements with relatives. This legislation would assist with shortening the timeline for transmitting and receiving criminal clearances, helping children to be placed more quickly into safer, more secure homes.

According to the Department of Children and Family Services (DCFS), county child welfare agencies are currently limited to using an outdated manual process, instead of an automated process, to obtain criminal clearances from the California Law Enforcement Telecommunication System (CLETS) for emergency response services and emergency placements required under current law. CLETS is essentially a terminal that accesses the California Department of Justice (DOJ) criminal history database. DOJ's current process is done manually and utilizes one fax machine and one employee for both incoming requests and outgoing results. Furthermore, as a result of increased demand for CLETS requests, the DOJ imposed an initial cap of 250 CLETS requests per day from DCFS which was subsequently raised to 500 requests per day. DCFS indicates that this outdated manual process significantly impedes social workers ability to obtain criminal clearances in a timely manner. Not only has the delay hampered timely assessments of child safety, it has also resulted in more children being placed in foster care rather than with relatives, which is not beneficial for the child and also results in additional foster care costs to the State and counties.

The Department of Children and Family Services indicates that the proposed legislation to allow child welfare agencies the option of using an alternate, automated, State-maintained database of criminal information would shorten the timeline for transmitting and receiving criminal clearances with a delivery turnaround time as short as one hour. If the proposed legislation is enacted, DCFS would be able to work with DOJ to create an automated criminal history search program to directly access the DOJ database and automatically generate criminal history reports. DOJ estimates that the start-up costs to create such an automated program for Los Angeles County would be approximately \$400,000 for the initial upgrade and enhancement to the DOJ system to provide direct electronic transmission of criminal records specifically to DCFS. There would also be ongoing costs of approximately \$3,000 annually for DCFS computer maintenance. DCFS indicates that the department is able to absorb both the start-up

and ongoing costs for the database upgrade, and this legislation is a priority for the department.

Therefore, consistent with existing Board policy to support proposals which expand and enhance the technology used by child welfare agencies to improve child safety, **the Sacramento advocates will pursue County-sponsored legislation to allow child welfare agencies and social workers statewide the option of using an alternate, automated, State-maintained database of criminal information that would be created to expedite clearances for critical child safety assessments and emergency child placements with relatives.**

Legislation of County Interest

As previously reported, AB 900 (Chapter 354, Statutes of 2011) authorizes the Governor, upon application and if projects meet certain conditions, to certify a leadership project related to the development of a residential, retail, commercial, sports, cultural, entertainment, or recreational use project, or clean renewable energy or clean energy manufacturing project; and amended the California Environmental Quality Act (CEQA) until January 1, 2015, to establish alternative procedures to create an expedited judicial review process and specified procedures for the preparation and certification of the administrative record for an Environmental Impact Report (EIR) for leadership projects. Specifically, any party with concern could seek a judicial review directly with the Court of Appeals, bypassing Superior Court. Additionally, once in court, both parties would be required to adhere to strict time limits provided for judicial review, which is 175 days from start to finish. According to various sources, this process can typically take nine to 12 months. The following measures related to AB 900 were recently introduced:

AB 1444 (Feuer), which as introduced on January 4, 2012, cites the intent of the Legislature to enact legislation to extend the provisions enacted by AB 900 to new public rail transit infrastructure projects. The measure is expected to be amended to include specific provisions relative to the Legislative intent. As introduced, AB 1444 does not propose an exemption from the CEQA's EIR process or from judicial review. This legislation is currently pending assignment to a committee.

SB 52 (Steinberg), which as amended on January 4, 2012, would make several technical and clarifying changes to various provisions of AB 900 as follows:

- Clarifies that large public and private projects may be considered for a leadership project and that these projects may be publicly financed, privately financed, or

financed from revenues generated from the projects themselves and that the projects do not require taxpayer financing.

- Requires that a project result in a minimum investment of \$100.0 million spent on planning, design, and construction of the project. The bill would also require a lead agency to place the highest priority on feasible measures that will reduce greenhouse gas emissions on the project site and in the neighboring communities of the project site.
- Repeals the provision in AB 900 which requires a party seeking judicial review of the EIR to bring concurrently other claims alleging a public agency has granted land use approvals or a leadership project in violation of law.

SB 52 passed the Senate Environmental Quality Committee, with amendments, by a vote of 6 to 0 on January 11, 2012, and now proceeds to the Senate Appropriations Committee. Once amendments become available, this office will work with the appropriate departments to determine potential impact to the County. SB 52 is an urgency measure and would take effect immediately if enacted. There is no registered support or opposition on file for this measure.

On September 27, 2011, your Board directed this office and the Sacramento advocates to initiate/support legislative efforts that provide the same expedited judicial review process under the CEQA contained in SB 292 (Chapter 353, Statute of 2011) for projects that provide vital public services, including hospitals, health clinics, fire and police/sheriff stations, communication facilities/systems, libraries, schools, transportation projects, and other vital government capital projects in the County of Los Angeles that serve the public interest as well as commercial, sports, cultural, recreational and clean energy projects. SB 292 established an expedited judicial review process for the proposed downtown Los Angeles Convention Center modernization and Farmers Field Project. **The Sacramento advocates continue to seek an author to sponsor and/or to support legislative efforts for this motion as indicated above.**

We will continue to keep you advised.

WTF:RA
MR:IGEA:sb

c: All Department Heads
Legislative Strategist